

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

RONALD HAZEN and GISELLA HAZEN,
as parents and next friends of
R.H., a minor

v.

CA 09-313 ML

SOUTH KINGSTOWN SCHOOL DEPARTMENT

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' objections to a Report and Recommendation issued by Magistrate Judge Martin on November 22, 2010. In an exhaustively comprehensive and thoughtful report, Magistrate Judge Martin chronicled the events that led to this lawsuit filed by the parents of a child who receives special education services from the Defendant school district.

Essentially, Plaintiffs fault the Magistrate Judge for finding that: 1) Plaintiffs' exclusion from a meeting on October 27, 2008 did not significantly impede the Plaintiffs' participation in subsequent meetings; 2) the district's use of R.H.'s full-time one-on-one aide for other students was a permissible way of "fading" the one-on-one aide; and, 3) finding that the 2009 IEP provides R.H. with a "free appropriate public education" ("FAPE") pursuant to 20 U.S.C. § 1412(a)(1)(A).

This Court has reviewed Plaintiffs' objections and the Magistrate Judge's Report *de novo*. The Court finds that the Magistrate Judge reviewed the hearing officer's decision and accorded it the proper level of deference. Further, this Court agrees that Plaintiffs have not met their burden of demonstrating that the hearing officer's decision

was wrong.

Accordingly, this Court adopts the Report and Recommendation in its entirety.

The Defendant's Motion for Summary Judgment is GRANTED and Plaintiffs' Motion for Summary Judgment is DENIED.

SO ORDERED:

A handwritten signature in cursive script, reading "Mary M. Lisi", is written over a horizontal line.

Mary M. Lisi
Chief United States District Judge
January 7, 2011